

By: Davis

S.B. No. 582

A BILL TO BE ENTITLED

AN ACT

relating to swimming pool alarms and exit alarms for certain single-family homes; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Residential Swimming Pool Safety Act in memory of Grayson James Satarino.

SECTION 2. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 761 to read as follows:

CHAPTER 761. RESIDENTIAL SWIMMING POOL SAFETY

Sec. 761.001. DEFINITIONS. In this chapter:

(1) "ASTM" means the American Society for Testing and Materials.

(2) "Department" means the Department of State Health Services.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "Remodel" means a renovation, reconstruction, improvement, or repair of a swimming pool that requires a municipal or county construction permit.

(5) "Swimming pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. The term includes an in-ground or above-ground structure, hot tub, spa, portable spa, and non-portable wading pool.

Sec. 761.002. APPLICABILITY. This chapter does not apply

1 to:

2 (1) a swimming pool with a pool yard enclosure that is  
3 constructed in compliance with the requirements of Section 757.003;

4 (2) a hot tub or spa with a locking safety cover that  
5 conforms to ASTM Standard F1346-91 (2010), "Standard Performance  
6 Specification for Safety Covers and Labeling Requirements for All  
7 Covers for Swimming Pools, Spas and Hot Tubs," or a successor  
8 standard that is adopted by the executive commissioner as being at  
9 least as safe as the F1346-91 (2010) standard;

10 (3) a swimming pool with an automatic power safety  
11 cover that conforms to ASTM Standard F1346-91 (2003), "Standard  
12 Performance Specification for Safety Covers and Labeling  
13 Requirements for All Covers for Swimming Pools, Spas and Hot Tubs,"  
14 or a successor standard that is adopted by the executive  
15 commissioner as being at least as safe as the F1346-91 (2003)  
16 standard; or

17 (4) a swimming pool in the jurisdiction of a political  
18 subdivision of this state that adopts an ordinance regarding alarms  
19 for residential swimming pools with requirements that are at least  
20 as stringent as the requirements of this chapter.

21 Sec. 761.003. REQUIRED ALARMS. A person who constructs an  
22 in-ground swimming pool, installs an above-ground swimming pool, or  
23 remodels a swimming pool for a single-family home shall provide for  
24 each swimming pool constructed, installed, or remodeled the  
25 following:

26 (1) on each door providing direct access from the home  
27 to the pool area without an intervening enclosure, an exit alarm

1 that:

2 (A) makes an audible, continuous alarm sound when  
3 the door is opened or left ajar; and

4 (B) is battery operated or connected to the  
5 electrical wiring of the home; and

6 (2) a swimming pool alarm that:

7 (A) when placed in a swimming pool, will sound on  
8 detection of accidental or unauthorized entrance into the water;

9 (B) meets and is certified by an independent  
10 third party as conforming to ASTM Standard F2208-08, "Standard  
11 Safety Specification for Residential Pool Alarms," as it existed on  
12 January 1, 2013, or a successor standard that is adopted by the  
13 executive commissioner as being at least as safe as the F2208-08  
14 standard; and

15 (C) is not a swimming protection alarm device  
16 designed for individual use, such as an alarm attached to a child  
17 that sounds when the child exceeds a certain distance or becomes  
18 submerged in water.

19 Sec. 761.004. CONSUMER NOTICE. A person who sells,  
20 constructs, installs, or remodels a swimming pool for a  
21 single-family home shall provide to the owner of the home written  
22 notice of the requirements of this chapter.

23 Sec. 761.005. DUTIES OF EXECUTIVE COMMISSIONER AND  
24 DEPARTMENT. (a) The executive commissioner shall adopt rules  
25 necessary to implement this chapter.

26 (b) The department shall post on the department's Internet  
27 website the requirements of this chapter, including rules adopted

1 under this chapter, and any other residential swimming pool safety  
2 information the executive commissioner determines is appropriate.  
3 The information must be posted in a format that is easily  
4 downloaded.

5 Sec. 761.006. CIVIL PENALTY. (a) A person who fails to  
6 comply with Section 761.003 is liable to this state for a civil  
7 penalty not to exceed \$5,000 for each noncompliance.

8 (b) A person who fails to comply with Section 761.004 is  
9 liable to this state for a civil penalty not to exceed \$1,000 for  
10 each noncompliance.

11 (c) The attorney general may sue to collect a civil penalty  
12 under this section.

13 (d) The attorney general may recover reasonable expenses  
14 incurred in obtaining a civil penalty under this section, including  
15 court costs, reasonable attorney's fees, investigative costs,  
16 witness fees, and deposition expenses.

17 SECTION 3. (a) Not later than December 1, 2013, the  
18 executive commissioner of the Health and Human Services Commission  
19 shall adopt the rules and standards required by Chapter 761, Health  
20 and Safety Code, as added by this Act.

21 (b) Not later than May 1, 2014, the Department of State  
22 Health Services shall post on the department's Internet website the  
23 information required by Section 761.005, Health and Safety Code, as  
24 added by this Act.

25 (c) Notwithstanding Chapter 761, Health and Safety Code, as  
26 added by this Act, a person who constructs an in-ground swimming  
27 pool, installs an above-ground swimming pool, or remodels a

1 swimming pool for a single-family home on or after the effective  
2 date of this Act is not required to comply with that chapter before  
3 May 1, 2014.

4 SECTION 4. (a) Except as provided by Subsection (b) of  
5 this section, this Act takes effect September 1, 2013.

6 (b) Section 761.006, Health and Safety Code, as added by  
7 this Act, takes effect May 1, 2014.